

Remarks

Reconsideration of the present application, as amended, is respectfully requested.

Of previously pending claims 1-22, all were rejected. Specifically, claims 1-5, 10 and 11 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application No. 2004/0051932, filed August 19, 2003 by A. Harker *et al.* Claims 6-9 and 12-14 were rejected under 35 U.S.C. §103(a) as being obvious over the above-cited Harker patent application in view of U.S. Patent No. 4,909,612, which issued March 20, 1990 to D.G. Scerbak *et al.* Claims 15 were rejected under 35 U.S.C. §103(a) as being obvious over the above-cited Harker patent application in view of U.S. Patent No. 6,297,901, which issued October 2, 2001 to J.M. Kim. Claims 16-22 were rejected under 35 U.S.C. §103(a) as being obvious over the Harker patent application in view of the Kim patent and further in view of the cited Scerbak patent.

Accordingly, claims 1-17 have been canceled. Claims 18-20 have been amended to include the limitations of canceled independent claim 15. Claim 18 was also amended to correct a typographical error. Each claim 18-20 is now independent. The applicants address their arguments with respect to these claims 18-20, as amended.

These claims were rejected for obviousness under 35 U.S.C. §103(a) over the Harker patent application in view of the Kim patent and further in view of the Scerbak patent. The applicants respectfully disagree.

In the first place, each of the amended independent claims call for an integrated laser diode assembly which includes a laser diode and an integrated variable optical attenuator. In his rejection of claim 15, the Examiner finds the laser diode in an integrated laser diode assembly in Fig. 6 of the cited Harker reference in the form of a laser beam 502. With due respect to the Examiner, a laser beam is not the same as the source of the laser beam. Furthermore, the integrated assembly 600 shown in Fig. 6 clearly shows no laser diode. If anything, it is evident that the laser beam 502 and its source are not part of the integrated assembly 600.

Secondly, claims 18 and 19 add the elements of a base and package. Claim 20 adds the element of a package. The Examiner responded to these elements by stating:

Regarding claims 18-22, the combination of Harker et al, Kim and Scerbak et al teaches further comprising: a base, said laser diode , first lens, integrated variable optical attenuator; second lens and said end of said output optical fiber section mounted thereto; and a package enclosing said base, said laser diode, first lens, integrated variable optical attenuator and second lens, a portion of said output optical fiber section removed from said end mounted to said package (i.e., Figs. 1 and 6-8 of Harker et al and Fig. 3 of Kim).

These cited drawings of the Harker and Kim references, for the most part, do not disclose base and package elements. Only Fig. 1 of Harker discloses a laser 100 and isolator 102 in a package 104 and a variable optical isolator (VOA) 106 in a separate package 108, described as prior art. While the Harker reference does describe the integration of the isolator and VOA, the applicants have been unable to find a description, or even a mention, of the integrated isolator and VOA being mounted to a base or enclosed in a package with a laser, as recited in applicants' claims 18-20.

Hence the applicants' claims 18-20 are not obvious over the cited Harker, Scerbak and Kim references, and should be allowable. Claims 21 and 22 should allowable for at least being dependent upon allowable base claim 20.

Finally, the undersigned notes the citation of additional references in the accompanying IDS and personally apologizes to the Examiner.

Therefore, in view of the amendments above and the remarks directed thereto, the applicants request that all rejections be withdrawn, that all claims 18-22 be allowed and the case be passed to issue. If a telephone conference would expedite prosecution of this application in any way, the Examiner is asked to telephone the undersigned at (408) 868-4088.

Respectfully submitted,

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